

Ernest Basoco  
*Pro se*  
September 12, 2024

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

_____	)	
In re:	)	
	)	
CELSIUS NETWORK LLC, et al.,	)	Chapter 11
	)	
Post-Effective Date Debtors.	)	Case No. 22-10964 (MG)
_____	)	
	)	
_____	)	
MOHSIN Y. MEGHJI, LITIGATION	)	
ADMINISTRATOR, AS	)	
REPRESENTATIVE FOR THE POST-	)	
EFFECTIVE DATE DEBTORS,	)	
	)	
Plaintiff,	)	Adv. Proc. No. 24-01885 (MG)
v.	)	
	)	
ERNEST GONZALEZ BASOCO	)	
	)	
Defendant.	)	
_____	)	

**JOINDER OF DEFENDANT IN ADVERSARY CASE NUMBER  
24-01885 TO CERTAIN DEFENDANTS' STATEMENT IN  
RESPONSE TO STATUS REPORT REGARDING  
PREFERENCE LITIGATION**

I, Ernest Basoco as Defendant in Adv. Proc. No. 24-01885 (MG), am respectfully submitting this joinder (the "Joinder") to *Statement in Response to Status Report Regarding Preference Litigation* [Docket No. 7631] (the "Troutman Statement") filed by certain

defendants (“Troutman Defendants”) in response to the Plaintiff’s *Status Report Regarding Preference Litigation* [Docket No. 7618] (the “Status Report”). In support of this Joinder, Defendant in Adv. Proc. No. 24-01885 (MG) respectfully states the following:

**JOINDER**

1. Defendant in Adv. Proc. No. 24-01885 (MG) respectfully joins in the Troutman Statement, including the proposed staging for addressing common issues in these adversary proceedings, and adopt the positions set forth in the Troutman Statement as if set forth herein. Defendant in Adv. Proc No. 24-01885 (MG) regarding the Plaintiff’s *motion for an order establishing streamlined procedures governing avoidance actions* [Docket No. 7534] believes it makes sense to litigate issues that are potentially dispositive first, and to defer any determination of damages until such time as liability has been established (if ever).
2. Addressing damages as the initial step in the process puts the cart before the horse and is inefficient and prejudicial. The Defendant in Adv. Proc. No. 24-01885 (MG) is entitled to assert defenses and have them adjudicated. Liability here has not yet—and may never be—established. Yet the Plaintiff would force the Defendant to dedicate substantial resources to litigating issues that would be entirely moot if the Defendants’ dispositive defenses were to prevail. Furthermore this disregards the question of legal sufficiency when common dispositive issues are not dealt with first.

3. The originally proposed procedural sequence in [Docket No. 7534] is prejudicial against the Defendant, which is an inefficient yet cleverly designed bug aimed at becoming adopted to favor the Plaintiff under a legally-insufficient feature of procedures in the Court to prejudice the Defendants, without any discovery to determine whether Defendants named in the Adversarial Proceedings have any preference liability in the first place.
4. As set forth above, and for the reasons cited in the Troutman Statement, Defendant in Adv. Proc No. 24-01885 (MG) respectfully requests that the Court consider the sequencing of issues as proposed in the Troutman Statement and grant any such other relief as the Court deems just and proper.
5. Defendant in Defendant in Adv. Proc No. 24-01885 (MG) reserves the right to modify or supplement this Joinder as necessary and appropriate and in respect of all other issues associated with the Defendants' adversary proceedings.

Respectfully Submitted,

*Ernest Basoco*

Dated: September 12, 2024

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Ernest Basoco  
Defendant in  
Adv. Proc. No. 24-01885 (MG)  
Case No. 22-10964 (MG)

### **Notice and Certification**

This response to the originally proposed procedural sequence in [Docket No. 7534] and this Joinder has been served on counsel to the Debtors, the Office of the United States Trustee, Counsel to the Committee and the Ad Hoc Groups, and all other parties who have requested notice in these cases pursuant to Bankruptcy Rule 2002. Under the Circumstances, I submit that such notice is adequate and sufficient and that no other further notice is required. I hereby certify that on September 12, 2024, a copy of the foregoing Objection was electronically transmitted to those listed on the Court's Electronic Mail Notice list:

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